

Michigan Department of Civil Service

# REGULATION

<b>Appointing Authority Letter Reference:</b>  CS-6940	<b>Effective Date:</b>  March 18, 2001	<b>Index Reference:</b>  Return-to-work Trial Appointment	<b>Regulation Number:</b>  <b>3.12</b>
<b>Issuing Bureau:</b>  Human Resource Services	<b>Rule Reference:</b>  Rules 3-2 (Applicant Pools and Recall Lists) 3-3 (Appointments and Job Changes)		<b>Replaces:</b>  NEW
<b>Subject:</b>  <b>RETURN-TO-WORK TRIAL APPOINTMENTS</b>			

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## 1. PURPOSE

Employee Health Management, Office of the State Employer, coordinates the statewide return-to-work (RTW) program. Its goal is to return employees to work who have been idled due to illness or injury and are receiving benefits from Workers' Compensation, Long-term Disability, or Disability Retirement. The injury or illness may or may not qualify as a disability under applicable law. The Department of Civil Service provides support to the program by assisting appointing authorities with returning employees to state employment. This is accomplished for RTW candidates by determining their qualifications, evaluating them via an appraisal process, placing their names in applicant pools, and authorizing appointment transactions to facilitate their return.

Most employees on benefit programs return to work to their previous positions. Occasionally this is not possible, due to medical, physical, or other restrictions. Each state department and autonomous entity has a case manager who works with RTW candidates to locate potential vacancies and seek placements. If the case manager is unable to return an employee to his or her previous position, the case manager looks for other employment opportunities.

Sometimes a case manager, working with hiring managers, may identify a position with duties the RTW candidate may be able to perform, but for which the candidate does not possess all of the required minimum education and experience. The RTW candidate cannot be appointed to the position through the regular

certification process, because the candidate does not possess the exact education and experience requirements for the classification. However, the agency's appointing authority may obtain authorization for a RTW trial appointment to the position, in accordance with the standards of this regulation.

The RTW trial appointment is the period of time in which the employee demonstrates an ability to perform the essential functions of the job. For full-time employment, the trial appointment period is typically 12 months. Successful completion of the trial appointment demonstrates possession of the minimum requirements for the classification. The appointing authority may discontinue the appointment during the trial appointment period. The employee may then return to the benefit program, subject to the program's eligibility requirements, if no other viable position is available for placement of the employee. Successful completion of the trial appointment period is essential for continuing employment.

This regulation provides the standards and procedures for the trial appointment process.

## **2. CIVIL SERVICE COMMISSION RULE REFERENCE**

### ***Rule 3-2 Applicant Pools and Recall Lists***

#### ***3-2.1 Applicant Pool***

*The department of civil service may establish and maintain applicant pools. The department of civil service may divide applicant pools by geographic area, organizational unit, occupational specialty, type of appointment, or other criteria. The state personnel director shall issue regulations for the duration and use of applicant pools. A person's eligibility to remain in an applicant pool or to be referred for a position is determined under the civil service rules and regulations in effect at the time the department of civil service refers names of qualified applicants to an appointing authority.*

\* \* \*

### ***Rule 3-3 Appointments and Job Changes***

#### ***3-3.1 Process***

*All appointments, promotions, and job changes in the classified service must be made in accordance with the civil service rules and regulations. Any person appointed or promoted must be certified as qualified in accordance with and subject to the civil service rules and regulations. The state personnel director shall administer the certification of all appointments and promotions.*

\* \* \*

### 3. STANDARDS

- A. The Department of Civil Service agency liaison may approve a RTW trial appointment only after recall lists are cleared and after any applicable collective bargaining agreement obligations are satisfied.
- B. A request for a RTW trial appointment must be submitted on a Request for Credential Review and Approved Employee Action form (CS-1672) and include the following:
  - 1. An indication that the request is for purposes of executing a RTW trial appointment.
  - 2. A statement that the appointing authority considers the candidate capable of performing the duties adequately, while learning the job, at the onset of the RTW trial appointment.
  - 3. A current employment history.
  - 4. A completed application or résumé.
  - 5. Copies of relevant transcripts, certificates, or listings of training programs completed.
- C. The hiring agency must receive approval from the Department of Civil Service before making the appointment.
- D. The candidate must be receiving workers' compensation, long-term disability, or disability retirement benefits when the request for a RTW trial appointment is made.
- E. The candidate must possess some, but not necessarily all, of the minimum education and experience requirements of the classification at the time of the appointment. The experience gained during the trial appointment must be able to substitute for the remainder of the minimum requirements in order for the Department of Civil Service to approve the trial appointment.
- F. The trial appointment also serves as a substitute for an appraisal process, if one is typically required for the classification.
- G. The employee must satisfactorily complete the trial appointment period, as a condition of continuing employment. The appointing authority may discontinue the appointment during the trial appointment period. The employee may then

return to the benefit program, subject to the program's eligibility criteria, if no other viable position is available for placement of the employee.

- H. An employee affected by a reduction in force during a RTW trial appointment working test period has bumping rights in accordance with applicable collective bargaining agreements or civil service rules. If there are no other positions into which the employee may bump, the employee may be returned to the benefit program, subject to the program's eligibility criteria.
- I. There is no limit to the number of RTW trial appointments for either appointing authorities or individuals.
- J. Employees eligible for the RTW trial appointment process must comply with the state's drug testing policy.

#### 4. PROCEDURE

<u>Responsibility</u>	<u>Action</u>
Candidate	1. Provides appointing authority with documentation of ability to work but not in the former position.
Appointing Authority	2. Identifies a potential position for a RTW trial appointment.  3. Submits a Request for Credential Review and Approved Employee Action form (CS-1672) with required documentation to the DCS agency liaison.
Civil Service Agency Liaison	4. Reviews the request and determines if it satisfies the standards for approval. Indicates approval or disapproval and returns the request
Appointing Authority	5. Appoints the candidate in accordance with Civil Service rules and regulations.

**CONTACT**

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 373-3048 or 1-800-788-1766, or MDCS-BHRS@state.mi.us.

**NOTE:** Regulations are issued by the State Personnel Director under authority granted in the State of Michigan *Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.